

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claim is currently being amended. Claims 2, 44, 47 and 49-50 are now under examination in this application. Claims 7-42 remain withdrawn.

Claim Rejections 35 U. S. C. § 103

Claims 2, 44, 47 and 49-50 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Blenner et al. (US 4,738,999) in view of Snyder et al. (US 3,133,905). Applicants respectfully traverse.

Independent claim 2 recites “a matrix resin composition, the matrix resin composition containing a bifunctional isocyanate and/or a trifunctional isocyanate and a polyol at a molar ratio, as a functional group, of liquid isocyanate : polyol = 0.9 to 1.1:1.0.”

In this Office Action, the Examiner argues that “Blenner does not specifically teach a molar ratio as a functional group of liquid isocyanante to polyol within the claimed range. In this regard, it is the examiner’s position that since the result sought and the ingredients used were known, it was within the expected skills of one having ordinary skill in this art to arrive at the optimum proportion of those ingredients.” (The Office Action, the 1st paragraph on Page 4) Applicants respectfully disagree.

Indeed, Blenner (Blenner, Column 5/Lines 40-42) explicitly teaches a molar ratio of 1:2 of polytetramethylene glycol and p-phenylene diisocyanate, which teaches away from “a bifunctional isocyanate and/or a trifunctional isocyanate and a polyol at a molar ratio, as a functional group, of liquid isocyanate : polyol = 0.9 to 1.1:1.0,” as recited in claim 2.

Snyder is recited for disclosing other features, but fails to cure the above deficiencies of Blenner.

Claims 44, 47 and 49-50 depend from claim 2, and thus are patentable for at least the above reasons.

Rejection of Provisional Obviousness-type Double Patenting

The PTO rejected claims 2, 44, 47 and 49-50 provisionally on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1-18 of co-pending application No. 10/492,940.

Applicants will consider filing a Terminal Disclaimer, if still needed, upon an indication of allowable subject matter.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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